

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN ALLAN WALTERS**, on March 14, 2001 at 8:00 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Allan Walters, Chairman (R)
Rep. Debby Barrett, Vice Chairman (R)
Rep. Tom Dell, Vice Chairman (D)
Rep. Norma Bixby (D)
Rep. Dee Brown (R)
Rep. Donald L. Hedges (R)
Rep. Hal Jacobson (D)
Rep. Larry Jent (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Gay Ann Masolo (R)
Rep. Alan Olson (R)
Rep. Holly Raser (D)
Rep. Rick Ripley (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)

Members Excused: Rep. Michelle Lee (D)
Rep. Douglas Mood (R)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Ruthie Padilla, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 256, 3/5/2001; SB 275,
3/5/2001
Executive Action: SB 256; SB 275; SB 306; SB
443; SB 185; SB 89

HEARING ON SB 256

Sponsor: SENATOR DON HARGROVE, SD 16, BELGRADE

Proponents: Ed Hanson, Selective Services
Chris Christensen, Citizen
Hal Manson, American Legion
Larry Longfellow, Montana Veterans of Foreign War
Arlene Hannawatt, Montana Guaranteed Student Loans
Program
Dan Lieberg, Selective Service
Bill Yaeger, Selective Service

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 0.0}

SENATOR DON HARGROVE, SD 16, BELGRADE stated that the principal reason for the bill was to save people from themselves. At age 26 the door slams shut on any young man who has not registered for selective service and are no longer eligible for student loans for federal employment. He feels it's the state governments responsibility to help them make sure they have full filled those requirements.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 3.5}

Ed Hanson, Selective Services told the committee he was retired for the Army National Guard and is the part time director for state services that he would be available for questions.

Chris Christensen, Citizen said the penalties for non registration are so high, they should do everything they can to get the young men registered. Once they reach age 26 they can never go back and register, get a federal job or receive federal grants. They are doing everything in there power to register these young men each year by going to their schools to try and register them.

Hal Manson, American Legion said they are an organization of veterans with many of whom were drafted because they registered and served their country honorably. They believe that not only for the sake of the young people, but as a country they should

know where all the young men are and who would be available for military service and they firmly support the bill

Larry Longfellow, Montana Veterans of Foreign War told they committee they are in support of the bill.

Arlene Hannawatt, Montana Guaranteed Student Loans Program stated they were here to support the bill.

Dan Lieberg, Selective Service said he is here to provide any information the committee may need about the Selective Service of Montana.

Bill Yaeger, Selective Service urged the committees support to the bill.

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 10.0}

REPRESENTATIVE LEHMAN commented that he had no problem with the bill and its' efforts, but feels we are sometimes doing to much for our young people. **SENATOR HARGROVE** said he does too, however the penalties imposed by the federal government are severe.

REPRESENTATIVE BROWN asked why scholarship fee waivers were amended out of the bill. **SENATOR HARGROVE** replied that they were amended out because of the bureaucracy and the cost associated with it. **REPRESENTATIVE BROWN** commented, it was her understanding that once they registered at the university, this would automatically kick in. **Arlene Hannawatt** said there is a system currently in place to collect the information for need based aide. When a student applies for financial aide, they complete a form called "a free application for federal student aide" and on that form they are asked the selective service questions and the student can actually enroll in selective service on the form. There is no process in place to collect this information from the students who receive fee waivers or scholarships without a process in place to do that. She said they do plan to put the selective service information on the admissions enrolment form and other forms they have.

REPRESENTATIVE HEDGES asked if there are high school councilors set up to help register the students. Ed Hanson replied they do have Registrars in almost all the high schools in the state. There are a few high schools that do not have Registrars, but are trying to get them in all the schools.

REPRESENTATIVE SMITH asked how many people were not registered in the State of Montana. **Ed Hanson** replied that Montana has had a very good record of registration, but in the last several year have dropped from 94% to 87%.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 20.5}

SENATOR HARGROVE feels this is a good thing, because kids at age 18-25 do not pay attention to these things or feel they are important.

HEARING ON SB 275

Sponsor: **SENATOR DON HARGROVE, SD 16, BELGRADE**

Proponents: **Ed Hanson, Selective Services**
Bill Yaeger, Selective Service
Chris Christensen, Citizen
Larry Longfellow, Montana Veterans of Foreign War
Hal Manson, American Legion
Brenda Norlud, Department of Justice
Dan Lieberg, Selective Service

Opponents: **Steve White, Citizen**

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 21.7}

SENATOR DON HARGROVE, SD 16, BELGRADE said this bill does a similar thing, but would prohibit the Department of Justice from issuing a driver's license to a person who fails to register for the draft in compliance with the federal military selective service. He submitted and discussed his amendment to the bill.

EXHIBIT (sth58a01)

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 23.8}

Ed Hanson, Selective Services told the committee he spent 30 years in Dean of Students office at the Montana State University and 32 years total in military service and would be available for any questions.

Bill Yaeger, Selective Service urged the support of this legislation and the effort to reach young men and remind them of their responsibility. He feels not issuing them their driver's license is an effective way to reach them and is appropriate.

Chris Christensen, Citizen urged the support of the bill due to the significant penalties imposed.

Larry Longfellow, Montana Veterans of Foreign War is in support of the bill and urged the committees support.

Hal Manson, American Legion advised the support to this good piece of legislation.

Brenda Norlud, Department of Justice informed the committee that their department is who would implement this bill if it were to pass. They worked with **Sponsor** to create an amendment to give the department a long enough time frame to begin the electronic registration process.

Dan Lieberg, Selective Service spoke in support of this bill. He felt this might pick up some of the people who do not have an opportunity to go the college or ones who are school drop outs. Everybody likes to drive and this might be what will increase the percentage of registrations

Opponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 29.0}

Steve White, Citizen told the committee that this is a difficult bill for him to testify against because he is not anti-military and is not against registering with selective service. He is opposing the bill because of a principle. When people are not issued driver's licenses, it is usually related to a serious reason like narcotics or criminal record. Now they want to say if they do not sign up for the selective service, they are not permitted to get a driver's license. He feels that would be against the spirit of what a driver's license is for. Not registering for selective service has nothing to do with a person's ability to drive or being a safe driver on the highways. Registering with the selective service is a responsibility of the young people. If this bill were to pass there will be a lot of rebelling by people 18-26. He told the committee that when he was leaving Bozeman to come testify, his best friend had asked him to please tell the committee they cannot legislate responsibility or citizenship.

Questions from Committee Members and Responses:***{Tape : 1; Side : B; Approx. Time Counter : 3.6}***

REPRESENTATIVE LEHMAN asked if it would be a constitutional problem, sense the opposite sex is not required to register for the draft and yet are eligible for driver's licenses. **Ed Hanson** replied that when the bill was proposed, it originally had women in the proposal, however, Congress did not agree with it, so women were left out of registration.

Closing by Sponsor:***{Tape : 1; Side : B; Approx. Time Counter : 11.3}***

SENATOR HARGROVE clarified, the bill is not singling out the people between the age of 18-26. The people they are concerned with are the ones who are 26 or older. This is in support of individual rights and trying to give people some options and help them out so they can get through life.

EXECUTIVE ACTION ON SB 256***{Tape : 1; Side : B; Approx. Time Counter : 15.3}***

Motion/Vote: REP. LEHMAN moved that SB 256 BE CONCURRED IN.
Motion carried 16-2 with Raser and Ripley voting no.

EXECUTIVE ACTION ON SB 275***{Tape : 1; Side : B; Approx. Time Counter : 17.1}***

Motion: REP. OLSON moved that SB 275 BE CONCURRED IN.

Motion: REP. RIPLEY moved that SB 275 BE AMENDED.

Discussion:

REPRESENTATIVE HEDGES and **REPRESENTATIVE OLSON** discussed the impossibility of making the drives license optional.

REPRESENTATIVE RASER said being registered for the selective service has nothing to do with the ability to drive. She feels it is a good idea to have the selective service information on the application for a driver's license rather than not allowing them to have a license.

Substitute Motion: REP. JENT made a substitute motion that the AMENDMENT to SB 275 BE AMENDED.

Substitute Motion: REP. RASER made a substitute motion that SB 275 BE POST PONED.

Discussion:

REPRESENTATIVE RIPLEY said with REPRESENTATIVE JENT'S amendment, he feels comfortable with continuing executive action on the bill.

REPRESENTATIVE BROWN also felt they should not post phone action on the bill.

Substitute Motion: REP. RASER made a substitute motion that SB 275 BE POST PONED. **Vote:** Motion failed 1-17 with Raser voting aye.

Substitute Motion: REP. JENT made a substitute motion that the AMENDMENT to SB 275 BE AMENDED. **Vote:** Motion carried unanimously. 18-0

Motion: REP. RIPLEY moved that SB 275 BE AMENDED. **Vote:** Motion carried 17-1 with Raser voting no.

Motion: REP. RASER moved that SB 275 BE POST PHONED.

Discussion:

REPRESENTATIVE JACOBSON said the bill is becoming a little more difficult and should consider REPRESENTATIVE RASER'S motion.

Motion: REP. RASER moved that SB 275 BE POST PHONED. **Vote:** Motion failed 9-9 with Barrett, Brown, Hedges, Jent, Lenhart, Mood, Olson, Ripley, and Smith voting no.

Motion: REP. HEDGES moved that SB 275 BE CONCEPTUALLY AMENDED.

Discussion:

REPRESENTATIVE HEDGES discussed his conceptual amendment with the committee.

REPRESENTATIVE DELL said he feel the bill should either be voted up or down. He does not feel it is fair to the Sponsor to completely change the intent of the bill, then pass it.

REPRESENTATIVE LEHMAN said he feels the amendment is a good one and does not agree with a driving privilege being withheld simply because they do not register.

REPRESENTATIVE JENT stated that registering for Selective Service is a law and feels the amendment changes the intent of the bill.

REPRESENTATIVE RASER responded to **REPRESENTATIVE JENT** that Selective Service is a law, but has nothing to do with being licensed to drive.

REPRESENTATIVE RIPLEY commented that you can not legislate responsibility or citizenship and on the other hand this bill is enforcement of a federal law. He also felt the amendment changes the intent of the bill and said to either support the bill the way it is or do not support the bill.

REPRESENTATIVE HEDGES said it would be very bad to use Montana driving privileges for a federal law. The Federal Government have already put in place what they feel is an adequate penalty for a person who does not register with the Selective Services.

Motion: **REP. HEDGES** moved that **SB 275 BE CONCEPTUALLY AMENDED**.
Vote: Motion failed 5-13 with Bixby, Hedges, Lehman, Mood, and Raser voting aye.

Discussion:

REPRESENTATIVE BROWN said there are only 12% of the young men in Montana not registering and that is not enough to take invoke that kind of penalty against the kids of Montana and is going to vote against the bill.

REPRESENTATIVE RASER said currently, they have to enroll with Selective Service between ages 18-26, or they will be penalized by Federal law. This bill would be requiring them to enroll at age 18 in order to get a driver's license and she feels that would be requiring something beyond the scope of Federal law.

REPRESENTATIVE HEDGES said he is in opposition of this piece of legislation.

REPRESENTATIVE LEHMAN commented, he was tired of this particular age group not taking any responsibility for the results. He likes the concept of the bill, but is going to vote against it.

REPRESENTATIVE JENT clarified with the committee that under the law for registering with Selective Service, it does not say they are allowed to register between the ages of 18-26. By law they are to register by their 18th birthday or they in violation of the law, however they can still register until age 26. He feels it is not fair to those individuals who do register to let those who don't get out of it, therefore his voting for the bill.

REPRESENTATIVE OLSON said he feels this bill is needed and is going to vote for it.

Motion/Vote: REP. DELL moved that SB 275 BE CONCURRED IN AS AMENDED. Motion failed 8-10 with Jacobson, Jent, Lenhart, Mood, Olson, Ripley, Schrumpf, and Smith voting aye.

Motion/Vote: REP. LEE moved that SB 275 BE TABLED. Motion carried 10-8.

EXECUTIVE ACTION ON SB 306

{Tape : 2; Side : B; Approx. Time Counter : 6.8}

Motion: REP. BROWN moved that SB 306 BE CONCURRED IN.

Motion/Vote: REP. BROWN moved that SB 306 BE AMENDED. Motion carried unanimously. 18-0

Motion: REP. BROWN moved that SB 306 BE CONCURRED IN AS AMENDED.

Discussion:

REPRESENTATIVE BROWN feels the bill offers the trained employees of State Government a few extra years, therefore will vote for it.

REPRESENTATIVE LEHMAN said he they have already distributed more than 400 million dollars in terms of retirement benefits. His is going to vote for the bill, but feels they need to start taking a more careful look at what they do when voting on the bills.

REPRESENTATIVE LENHART felt it is a very good bill

REPRESENTATIVE OLSON said he needs to look at the long term impacts of the bill and listen to more discussion before he can make a decision.

REPRESENTATIVE RASER said they are spending a lot of money in retirement systems, but in this case it is the retirees money.

REPRESENTATIVE JENT stated he is going to vote for the bill.

REPRESENTATIVE MASOLO spoke with quite a few state workers when she had gone door to door and feels a lot of state workers go to private industry after they are trained because of the money. She feels this is an incentive for them to get a little more for their retirement, so she is going to vote for the bill.

REPRESENTATIVE RIPLEY said it is not just the retirees money, it is also the state's money and is going to vote no on the bill.

REPRESENTATIVE HEDGES opposed this piece of legislation. He felt if the bill passes, next session they will be asking to have the formula changed.

REPRESENTATIVE DELL stated he will vote for the bill and thinks it would be doing a good thing by allowing people to take ownership of their own retirement because down the road they will benefit from it.

CHAIRMAN WALTERS said tax payers never get a break. There are more self employed people in the State of Montana than in any other state and they are putting money away in an IRA for their own benefit with no one else contributing to their IRA but themselves and their the ones who pay. He is going to vote no on the bill because he feels if there is some extra money in the systems, the tax payers are the ones who should be getting the break by lowering their amount of taxes.

REPRESENTATIVE BARRETT suggested next session they should have a large chart that is color coded showing how much money has been spent on the different retirement systems so they can see what they are doing with the money as they go along and so the sponsors of the bills can see what the committee has done that year.

Motion: REP. BROWN moved that **SB 306 BE CONCURRED IN AS AMENDED.**

Vote: Motion carried 14-4 with Hedges, Ripley, Smith, and Walters voting no.

EXECUTIVE ACTION ON SB 443

{Tape : 2; Side : B; Approx. Time Counter : 8.0}

Motion: REP. BROWN moved that **SB 443 BE CONCURRED IN.**

Motion/Vote: REP. OLSON moved that SB 443 BE TABLED. Motion carried 14-4 with Hedges, Jent, Raser, and Schrumpf voting no.

EXECUTIVE ACTION ON SB 185

{Tape : 2; Side : B; Approx. Time Counter : 11.7}

Motion: REP. OLSON moved that SB 185 BE CONCURRED IN.

Motion: REP. OLSON moved that SB 185 BE CONCEPTUALLY AMENDED.

Discussion:

REPRESENTATIVE DELL commented, since Sheri Heffelfinger is such an important part of this bill and is absence, they should wait tell she is present.

Motion: REP. OLSON WITHDREW HIS MOTION that SB 185 BE CONCURRED IN.

EXECUTIVE ACTION ON SB 89

{Tape : 2; Side : B; Approx. Time Counter : 16.2}

Motion: REP. BROWN moved that SB 89 BE CONCURRED IN.

Discussion:

REPRESENTATIVE BROWN refreshed the committee that the bill reduces the waiting period for receiving the GABA from three years to one year.

REPRESENTATIVE BROWN said even though she likes the idea, she feels they need that two year cushion, therefore she is going to vote against the bill.

REPRESENTATIVE LEHMAN commented that the GABA increase for all the systems has a three year waiting period, so in fairness he is going to vote against the bill.

Motion: REP. BROWN moved that SB 89 BE CONCURRED IN. **Vote:** Motion carried 13-5 with Barrett, Brown, Lehman, Masolo, and Smith voting no.

ADJOURNMENT

Adjournment: 10:50 A.M.

REP. ALLAN WALTERS, Chairman

RUTHIE PADILLA, Secretary

AW/RP

EXHIBIT (sth58aad)